

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Markau *et al.*

Confirmation No.: 3877

Serial No.: 10/072,436

Group Art Unit: 1652

Filed: February 5, 2002

Examiner: Hutson

For: MODIFIED DNA-POLYMERASE  
FROM CARBOXYDOTHERMUS  
HYDROGENOFORMANS AND ITS USE  
FOR COUPLED REVERSE TRANSCRIPTION  
AND POLYMERASE CHAIN REACTION

Attorney Docket No.: 18651-US1  
(1803-332-999)

#9

DECLARATION OF DR. WALTRAUD ANKENBAUER

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:


I, Dr. Waltraud Ankenbauer, declare and state:

1. That I am an inventor of the above named subject matter.
2. That samples of a bacterium, *Escherichia coli* carrying the plasmid p $\Delta_{2-225}$ AR<sub>4</sub> comprising the vector pDS56 carrying the  $\Delta$  Chy DNA polymerase gene, were deposited with the DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH, Mascheroder Weg 1b, D-38124 Braunschweig, DSM No. 11854. The samples have been accepted for deposit under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.
3. That samples of a bacterium, *Carboxydotherrnus hydrogenoformans* were deposited with the DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH, Mascheroder Weg 1b, D-38124 Braunschweig, DSM No. 8979. The samples have been accepted for deposit under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.
4. In addition to there being no restrictions on the availability, to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. §122, of the deposited cell lines during the pendency of the patent application, any and all restrictions on the availability to the public of the deposited samples referred to in paragraph 2 or 3 will be irrevocably removed

when a U.S. Patent based upon the captioned application is granted.

5. I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the captioned application or any patent issuing thereon.

23.06.03  
Date

  
Dr. Waltraud Ankenbauer